

SUPREME COURT OF WISCONSIN

No. 99-07

In the matter of the amendment of
Wis. Stat. §§ 230.85, 767.293, 802.10,
804.01, 804.05, 804.08, 804.09, 804.11,
804.12, 805.03, 806.38, 807.21, 807.22,
807.23, 809.25, 814.025, 814.04, 814.29,
and 911.01 relating to the consolidation
of statutes governing the imposition of
sanctions in actions and proceedings.

FILED

JAN 29, 2002

Cornelia G. Clark
Clerk of Supreme Court
Madison, WI

On November 13, 2001, the court held a public hearing on the amended petition filed on October 30, 2000, by the Judicial Council seeking to amend and consolidate several statutes governing the imposition of sanctions in actions and proceedings. The court appreciates the Judicial Council's efforts in working on this petition over an extended period of time.

During the public hearing and administrative conference several issues and concerns were raised that the court believed needed further consideration before the adoption of new rules, including the following: desirability of adopting provisions similar to Rule 11 of the Federal Rules of Civil Procedure; imposition of mandatory sanctions versus permissive sanctions; explanation of the effect of the proposed amendments on existing case law; the appropriate length of time of any safe harbor provision; incorporation of sanctions in default judgments as well as sanctions in appellate practice and arbitration and

mediation proceedings; applicability of the proposed provisions in criminal and termination of parental rights cases; and the liability of a law firm, its members, and employees for the filing of a frivolous pleading in view of the organizational structure of the firm. Therefore, upon consideration of the petition, the matters presented at the public hearing, and concerns raised at the administrative conference,

IT IS ORDERED that the petition is denied.

Dated at Madison, Wisconsin, this 29th day of January, 2002.

BY THE COURT:

Cornelia G. Clark
Clerk of Supreme Court

